

DRAWING AMENDMENTS

Enclosed is a Replacement Sheet to be substituted for the drawings currently on file for this patent application.

REMARKS

Applicant has carefully reviewed the Official Action dated December 27, 2006 for the above identified patent application.

Enclosed is a Replacement Sheet for the original drawings currently on file for this patent application. Applicant respectfully submits that the enclosed Replacement Sheet overcomes the objection to the original drawings raised at page 2, paragraph 1 of the Official Action.

At page 3, paragraph 3 of the Official Action, Claims 1 - 13, 16 - 17 and 19 - 20 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by the Levy patent (U.S. Patent No. 2,991,040). The Examiner's basis for the rejection of these claims is discussed at pages 3 - 5 of the Official Action.

At page 5, paragraph 4 of the Official Action, Claims 1, 2, 14 and 15 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by the Stiffel patent (U.S. Patent No. 2,855,037). The Examiner's basis for rejection of Claims 1 - 2 and 14 - 15 is discussed at pages 5 - 6 of the Official Action.

At page 6, paragraph 6 of the Official Action, Claim 18 has been rejected under 35 U.S.C. Section 103(a) as being obvious

over the Levy patent in view of the Ferdinand et al patent (U.S. Patent No. 3,771,466). The Examiner's basis for rejection of Claim 18 over the two combined references is discussed at pages 6 - 7 of the Official Action.

Claims 1 - 20 are pending in this patent application. Claims 1, 16, and 19 are the only pending independent claims. Independent Claims 1 and 16 have been amended to more clearly define the nature of the invention disclosed and claimed by Applicant. As discussed at pages 2 - 6 of Applicant's specification, the invention provides a supporting structure, including a surface area to which articles such as mirrors and pictures are directly mounted. Pictures and mirrors are generally mounted to walls by nails or screws which penetrate the wall, causing permanent damage thereto. Removal of such destructive penetrating mounting means results in damage to the wall in the form of cracks, holes or openings. It is the primary object of Applicant's invention to provide a removable surface, as an alternative to a wall surface, for mounting articles thereon using destructive penetrating mounting means. Preferably, the removable surface area to which the articles are mounted is positioned flush against a wall surface. Since the articles to be mounted with the destructive penetrating mounting means are mounted only to the removable mounting surface and not directly to the wall surface, there will be no damage to the wall surface.

When a tenant vacates a residence, the supporting structure with the mounting surface is simply removed from the premises, leaving the original wall structure undamaged.

Independent Claims 1 and 16 have been amended to expressly recite that the removable supporting structure includes a surface area which receives destructive penetrating mounting means for the articles mounted thereon. Claims 17 and 18 (which depend from independent Claim 16), and independent Claim 19, are directed to an embodiment of an invention in which the supporting structure includes beams, and a bridging element disposed between two beams for providing additional surface area for mounting articles to the supporting structure.

Independent Claims 1 and 16 have been rejected as being anticipated by the Levy patent. Applicant respectfully disagrees with this rejection. The Levy patent discloses a removable display stand and does not teach (or suggest) a supporting structure including a surface area for mounting articles thereon by destructive penetrating mounting means. On the contrary, the Levy patent discloses display standard 11 having laterally spaced slots 25 defined therein (See Fig. 2 of the drawing, and Column 2, lines 44 - 58 of the Levy specification), for adjusting the relative longitudinal position of the standard sections 11a and 12. The purpose of the display disclosed by the Levy patent is

to provide a stand for supporting shelves and the like thereon (See Col. 1, lines 30 - 39 of the Levy specification), and not for receiving destructive penetrating mounting means for mounting articles thereon instead of directly mounting articles to a wall surface by destructive mounting means. On the contrary, the Levy patent provides a display stand for removably mounting shelving to brackets which are insertable into pre-existing slots defined in the display (See Col. 3, lines 26 - 36 and Fig. 7 of the Levy patent).

The Levy patent has also been applied under 35 U.S.C. Section 102(b) to reject dependent Claim 17 and independent Claim 19. Dependent Claim 17 recites the supporting structure as defined by independent Claim 16, as amended herein, and further recites that a bridging element is disposed between two beams. Independent Claim 19 recites a supporting structure including a bridging element disposed between two beams. Levy has also been applied to reject dependent Claim 18, in combination with a secondary reference, under 35 U.S.C. Section 103(a). The basis for the rejection of Claims 17, 18, and 19 is that Levy discloses a bridging element (10, 10a). [See page 5, paragraph 3(1)., and page 6, paragraph 6 of the Official Action.] Applicant respectfully disagrees with this interpretation of the disclosure of the Levy patent. Element 10 of the Levy patent is a shelf removably mounted to the display stand (See Col. 2, lines 9 - 12

of the Levy specification, and Fig. 1 of the drawing). Element 10a of the Levy patent is a hang-rod supporting a suit 10b thereon (See Col. 2, lines 12 - 14 of the Levy specification, and Fig. 1 of the drawing). Thus, elements 10, 10a of the Levy patent are the articles intended to be removably mounted to the display stand, and are not a structural components of the display stand itself as is the bridging element expressly recited in Applicant's Claims 17, 18, and 19.

Independent Claim 1 has also been rejected under 35 U.S.C. Section 102(b) as being anticipated by the Stiffel patent. Applicant respectfully disagrees with this basis for rejection of independent Claim 1. The Stiffel patent discloses removable walls for partitioning open spaces. It does not teach (or suggest) the supporting structure defined by independent Claim 1 in which a supporting structure includes a surface area which receives destructive, penetrating mounting means for mounting articles thereon, instead of mounting articles directly to a wall by destructive penetrating mounting means.

It is well established that a rejection of a claim as being anticipated by a prior art reference requires the Patent & Trademark Office to establish a strict identity of invention between the rejected claim and a single applied reference. Stated in other words, a rejection of a claim as being

anticipated by a prior art reference is improper unless a single applied prior art reference discloses all features of the rejected claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

Applicant respectfully submits that independent Claims 1, 16, and 19 are directed to a device which is not taught (or suggested) by the Levy patent. As discussed herein, the Levy patent does not teach (or suggest) a substitute for a wall structure having a surface which receives destructive penetrating mounting means for mounting articles thereon instead of mounting articles with destructive penetrating mounting means directly to a wall surface. The Levy patent is directed to a display stand using existing openings defined therein for removably mounting shelving thereon. Levy also does not disclose the supporting structure defined by Claims 17 - 19 which includes a bridging element as part of the supporting structure itself.

The Stiffel patent does not teach (or suggest) the supporting structure defined by independent Claim 1, for the reasons discussed herein. As noted, the Stiffel patent discloses movable portable wall partitions, and does not teach (or suggest) a supporting structure having a surface area which receives therein destructive penetrating mounting means for mounting

articles thereon instead of mounting articles by destructive penetrating mounting means directly to a wall surface.

Applicant respectfully submits that independent Claims 1, 16, and 19, and dependent Claims 17 - 18, are allowable over the prior art applied in the outstanding Official Action. The remaining rejected dependent claims, which depend directly or indirectly from independent Claim 1 or independent Claim 19, are believed to be allowable, at least for the same reasons as their respective parent independent claim.

Applicant respectfully submits that all pending claims are in condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,



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